

**Kleber, Kody**

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**From:** Dowell, Eric D. <EDowell@PRYORCASHMAN.com>  
**Sent:** Wednesday, May 31, 2017 2:12 PM  
**To:** Kleber, Kody  
**Cc:** Rose, David; Hunt, Dean D.; Hochmuth, Farrell; Smith, Rachel M.  
**Subject:** RE: Adv. Pro. 10-05439 (Goldberg) - Rule 7007 Correspondence to Judge Bernstein

Kody,

I hope you and yours are well. As we discussed over the phone last week, [REDACTED] and also have been working on several fire drills at work. The other members of the team also have been out of the office frequently over the past several weeks. That said, we have continued to drive toward finalizing Defendants' responses to both the document requests and interrogatories. We anticipate being able to serve both (10 responses in total) by week's end.

With that said, we suggest that sending the below-referenced correspondence to Judge Bernstein today would serve no point, as the issue raised therein will have been rendered moot by the time any conference took place. There also is no prejudice to the Trustee in holding off on the letter, as many of the Madoff matters, including this one, are in the very early stages of fact discovery.

Please let me know if you would like to discuss by phone.

Best regards,

**Eric D. Dowell**  
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**From:** Kleber, Kody [mailto:kkleber@bakerlaw.com]  
**Sent:** Thursday, May 25, 2017 4:38 PM  
**To:** Dowell, Eric D. <EDowell@PRYORCASHMAN.com>  
**Cc:** Rose, David <DRose@PRYORCASHMAN.com>; Hunt, Dean D. <dhunt@bakerlaw.com>; Hochmuth, Farrell <FHochmuth@bakerlaw.com>; Smith, Rachel M. <rsmith@bakerlaw.com>  
**Subject:** Adv. Pro. 10-05439 (Goldberg) - Rule 7007 Correspondence to Judge Bernstein

Eric,

You indicated two weeks ago that we could expect Defendants' responses to the Trustee's Requests for Production and Interrogatories, along with Defendants' document production, by last week. You have provided no update since May 18. This comes on the heels of several prior representations that these outstanding items would be served/produced on dates that have since passed.



Attached is a draft of the Rule 7007 correspondence we intend to file with the Court on Wednesday, May 31, if we do not receive Defendants' discovery responses and document production by 2 PM Eastern on Wednesday.

Likewise, Kahn, Litwin's responsive documents must be produced—the agreed abatement as to subpoenas expired on April 14, 2017.

Please give me a call if you have any questions.

Thank you,

**Kody Kleber**  
Partner

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